

**HCD 03/06**  
**Part 5, Chapter 3**

**Public comments from:**

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Do not agree with the Agency proposed modifications As Submitted on Section No. UPC 301.2

Request that this section or reference provision be recommended: **Approved as amended**

**Suggested Revisions to the Text of the Regulations:**

The applicable subsection of Health & Safety Code section 17951, subsection (e), is repeated here for clarity and reads as follows:

**Section 17951 (e) (1)** The provisions of this part are not intended to prevent the use of any manufactured home, mobile home, multiunit manufactured home, material, appliance, installation, device, arrangement, or method of construction and not specifically prescribed by the California Building Standards Code or this part, provided that this alternate has been approved by the building department.

**(2)** The building department of any city or county may approve an alternate material, appliance, installation, device, arrangement, method, or work on a case-by-case basis if it finds that the proposed design is satisfactory and that each such material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the California Building Standards Code or this part in performance, safety, and for the protection of life and health.

**(3)** The building department of any city or county shall require that any material, appliance, installation, device, arrangement, or method of construction conforms to, or that proposed alternate is at least equivalent to, the requirements of this part, building standards published in the California Building Standards Code, or the other rules and regulations promulgated pursuant to this part and in order to substantiate claims for alternates, the building department of any city or county may require tests as proof of compliance to be made at the expense of the owner or the owner's agent by an approved testing agency selected by the owner or the owner's agent.

**Alternative language:**

**Alternate Materials and Methods of Construction Equivalency.** Nothing in this code is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness durability, and safety over those prescribed by this code. Technical documentation shall be submitted to the Authority Having Jurisdiction to demonstrate equivalency. The Authority Having Jurisdiction shall have the authority to approve or disapprove the system method or device when determined to be equivalent or superior. *Reference-Health & Safety Code section 17951, subsection (e)*

Remainder of section adopted as stated in express terms.

**Reason:** [The reason should be concise if the request is for "Disapproval," "Further Study," or "Approve as Amend" and identify at least one of the 9-point criteria (following) of Health and Safety Code §18930.]

- It is consistent with the statutory language in Health & Safety Code section 17951, subsection (e) that controls alternate material approvals for buildings under HCD jurisdiction.
- The new UPC language for section 301.2 (alternate materials) is ambiguous as to whether alternate material approval is discretionary.
- It is inconsistent with the alternate material language found in the Uniform Mechanical Code section 105.0 and NEC 90.4.